

**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION**

**REGULAR MEETING**

**MINUTES**

Jarvis Hall

***4505 Ocean Drive***

***Tuesday, August 20, 2013***

***7:00 P.M.***

**1. [CALL TO ORDER, MAYOR ROSEANN MINNET](#)**

Mayor Roseann Minnet called the meeting to order at 7:00 p.m. Also present were Vice Mayor Scot Sasser, Commissioner Mark Brown, Commissioner Stuart Dodd, Commissioner Chris Vincent, Town Attorney Susan L. Trevarthen, Town Manager Connie Hoffmann, Assistant Town Manager Bud Bentley, Municipal Services Director Don Prince and Town Clerk Vanessa Castillo.

**2. [PLEDGE OF ALLEGIANCE TO THE FLAG](#)**

**3. [INVOCATION - Pastor James Corgee](#)**

Pastor James Corgee gave the Invocation.

**4. [ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS](#)**

None

**5. [PRESENTATIONS](#)**

None

**6. [PUBLIC COMMENTS](#)**

Mayor Minnet opened the meeting for public comment.

Jerry Sehl said an album by "Muriel" was recorded in Lauderdale-By-The-Sea, which he would make available and that he was working on having a "Vaudeville Night" in the Town.

Bill Ciani discussed the tree issues in the East Commercial Boulevard project, stating his preference for palm trees instead of pigeon plums and that he preferred a clear view

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of the pier. He also objected to complaints by condominium owners about noise, music, etc.

Bruce Cummings, Landscape Architect, clarified his input to the Town Manager on possible substitutes for the pigeon plums. He preferred gumbo limbos which provided the desired canopy, but said they had a white fly issue. He said that green buttonwoods could be found, that he could not find clusias, and said coconuts were better for visibility.

Edmund Malkoon sent thoughts and prayers out to the families of Frank Herman and Leland Owens, who recently passed away. The First Annual Fish Fry would take place August 23, 6:00 p.m. to 9:00 p.m. at Anglin's Beach Café.

John Boutin commented on the tree selection on East Commercial Boulevard and that he liked the ideas for a "Vaudeville Night", Art in Public Places, and the Farmer's Market. He was opposed to Oriana's request to modify the noise ordinance.

Ken Brenner asked that the plaza marquis on Commercial Boulevard remain as originally planned. His yard waste had not been picked up in two days, though he called WSI twice about it.

With no one else wishing to speak, Mayor Minnet closed the public comment portion of the meeting.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. BSO Monthly Report – July 2013 (Captain Fred Wood)**

**Commissioner Dodd made a motion to accept the report. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

### **b. AMR EMS Monthly Report – July 2013 (Chief Brooke Liddle)**

**Commissioner Dodd made a motion to accept the report. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

### **c. VFD Monthly Report – July 2013 (Fire Chief Judson Hopping)**

Chief Hopping presented Merit Awards/Certificate of Achievement to firefighters Brittany Louvaris, Chris DiMarzo, and James "J.T." Bacigalupi for their actions at a residential fire emergency on August 1<sup>st</sup>.

**Commissioner Dodd made a motion to accept the report. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

**8. TOWN MANAGER REPORTS**

**a. July 2013 Finance Report (Finance Director Tony Bryan)**

The report was accepted without discussion.

**b. Commercial Boulevard Projects Update – Verbal Report (Project Manager Albert Carbone and Paul Carty, SCEC)**

**This item was discussed after Item 8d**

Project Manager Albert Carbone and Paul Carty, State Construction and Engineering Corporation (SCEC), gave an update on the Commercial Boulevard projects. Two milestones were met. First was the acquisition of the coastal construction control line (CCCL) permit from the Florida Fish and Wildlife Conservation Commission (FWC) and the Department of Environmental Protection (DEP), so the lighting package for the projects could be submitted. Second, the issues with FP&L were resolved and materials would be delivered the coming Friday.

Town Manager Hoffmann remarked additional streetlights were needed, as the FWC restrictions resulted in reduced lighting; cost estimates would be given in budget revisions.

Vice Mayor Sasser thanked staff for the update, noting it was critical to finish the project on time. He asked if all the permits were in place for East Commercial Boulevard.

Mr. Carbone reiterated they received the CCCL permit, and one of the conditions of compliance in the permit was for the Town to provide the actual lighting submittals.

Vice Mayor Sasser asked if any permits were outstanding that could delay the project. The Commission set a December deadline, and issues were likely to arise during the project that could make meeting the deadline more critical. He wondered about a contingency plan to allow temporary access on the roadways during the busy season.

Mr. Carty said the area of the project where all the underground work was taking place would be completed and open to traffic by the deadline. For areas where work had not begun, if they continued to work as a team, issues would be dealt with appropriately.

Town Manager Hoffmann clarified the contingency plan was that it was likely to be the fine detail work that might be delayed, but the roadway would be open.

Commissioner Vincent remarked, in the event the promenade area was not vehicular accessible, a contingency was to use both alleyways for vehicles to access the area.

Commissioner Dodd congratulated the project team for staying close to the schedule, knowing they would continue to do so, even in the face of difficulties.



**c. Board of Adjustment (BOA) Membership (Town Planner Linda Connors)**

**This item was discussed after Item 8a.**

Town Manager Hoffmann explained there were two applicants, Sandra Green and Bonnie Myers, and there were two vacancies to fill, along with one alternate.

**Commissioner Dodd made a motion to appoint Sandra Green and Bonnie Myers as members to the Board of Adjustment (BOA). Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

**d. Town Manager's Report (Town Manager Connie Hoffmann)**

**This item was discussed after Item 8c.**

Town Manager Hoffmann reviewed her report as reflected in the backup, mentioning tremendous progress with removal of trees that disrupt FP&L power lines

Mayor Minnet felt the Town's code regarding trees and power lines was satisfactory, but residents needed to be clear on how it was being handled. She asked about the letters referred to in the backup that stated the reasons for and methods of enforcement.

Town Manager Hoffmann said the letters dealt trees touching power lines that disrupt electrical power and ways this was being addressed. Town staff went on a case-by-case basis to determine if trees should be trimmed or removed.

Commissioner Dodd felt the Town should not wait until January if FP&L lacked the funding to fix the problem now. He believed the removal of the trees benefited the entire community and the Town should allocate dollars for tree removal.

Mayor Minnet asked the Town Manager and Town Attorney to see if such activity fell within the Neighborhood Improvement Program (NIP). She supported a strong policy.

Vice Mayor Sasser echoed support for the Town's taking a strong stance, as a program in Terra Mar to address outages had worked well. He preferred to wait until January for FP&L to remove the trees, as such activity could get very expensive.

Town Manager Hoffmann commented staff would continue to work with FP&L to identify trees and compile an inventory of other neighborhoods. In January, residents with the problem trees could be approached about tree removal or, over the next few months, residents could sign FP&L letters for the removal of the trees in January.

- Super Storm Sandy Sand – Town Manager Hoffmann advised the Commission of her discussion with the Army Corps project manager about getting the

southern portion of the beach added back into the project and said the Commission would be kept updated on efforts to get that decision reversed.

Commissioner Brown felt frustrated, as the Army Corps asked for the Town's opinion on access sites, but then gave us little choice in the matter. He had called Congresswoman Frankel's office the previous day and would follow up with that contact. It appeared that the Town had no control over the project, but the sand was needed, so the Town should accept the sand on the Army Corps' terms, using Hibiscus Avenue if the issue with Palm Avenue could not be resolved. The Town could bear some of the cost to repair the Palm Avenue portal.

Vice Mayor Sasser repeated his objections to the Town's involvement in the subject project. He felt the Corps' removal of the south delivery site from the project was a silver lining, as it reduced the number of trucks driving through the Town.

- Convention & Visitors Bureau (CVB) agreed to double its contribution to the Chamber of Commerce for the Welcome Center. As a result, there could be a \$20,000 reduction the Town's budgeted contribution to the Chamber for Fiscal Year (FY) 2014, taking it down to \$26,400

Commissioner Dodd congratulated Mayor Minnet and Town Manager Hoffmann for a successful meeting with the CVB to increase the Welcome Center's funding.

**Commissioner Dodd made a motion approve revising the budget line item for the Chamber of Commerce as stated above. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

- Cost for Advertising – Town Manager Hoffman sought direction on ads in the *Pelican* and *Hi-Riser* newspapers based on prices provided in the backup

Vice Mayor Sasser felt it was important to advertise, so people knew the businesses remained open during construction. He recommended taking out the smallest ad, a quarter page, in both *The Hi-Riser* and *The Pelican* for \$553.

**Vice Mayor Sasser made a motion to take out a quarter page ad in each of the above-named publications for a total of \$553. Commissioner Vincent seconded the motion. The motion carried 5-0.**

- Sister Cities – The State Coordinator for the program supported the Town keeping the organization going. The Commission's approval was being sought for the payment of the fees to the State to reactivate the corporation.

**Commissioner Dodd made a motion approve paying the fee for Dr. Most's resignation. Vice Mayor Sasser seconded the motion. The motion carried 5-0.**

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Mayor Minnet read into the record the letter in the backup from Cris Boehler, the former Florida State Coordinator with the Sister City Program, which shed light on the program in LBTS.

- Recommended using the name “Anglin’s Square” for the plaza that the East Commercial designers referred to in their design as the beach and dune plaza in order to avoid confusion. The Commission agreed with this suggestion.
- All-red pedestrian phase signals were corrected to include a countdown the previous Saturday.

Town Manager Hoffmann said the County and the Florida Department of Transportation (FDOT) wanted the trial period extended until after the East Commercial project was completed. The Commission agreed.

**9. TOWN ATTORNEY REPORT**

Town Attorney Trevarthen referred to the backup on the ongoing code appeal cases.

**10. APPROVAL OF MINUTES**

- a. June 10, 2013, Special Town Commission Meeting Minutes
- b. June 11, 2013 Regular Town Commission Meeting Minutes

**Commissioner Vincent made a motion to approve the above stated minutes as presented. Commissioner Brown seconded the motion. The motion carried 5-0.**

**11. CONSENT AGENDA**

**Commissioner Vincent a motion to approve item 11a on the Consent Agenda. Commissioner Brown seconded the motion. The motion carried 5-0.**

- a. Requests for 72 Parking Permits for the Lauderdale-By-The-Sea Women’s Club (Town Clerk Vanessa Castillo)

**12. ORDINANCES – PUBLIC COMMENTS**

**a. Ordinances 1<sup>st</sup> Reading**

None

**b. Ordinances 2<sup>nd</sup> Reading**

- i. **Ordinance 2013-07: AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE VIII, SIGN REGULATIONS, TO REVISE AND CLARIFY SIGN TYPES, SIGN REQUIREMENTS AND STANDARDS, AND**



DEFINITIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. (TOWN PLANNER LINDA CONNORS)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

**Commissioner Dodd made a motion to approve Ordinance 2013-07. Commissioner Vincent seconded the motion. The motion carried 5-0.**

**13. RESOLUTIONS – PUBLIC COMMENT**

- a. **Resolution 2013-34:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA PROVIDING FOR ISSUANCE OF A NOTICE OF INTENT CONCERNING PENDING LAND DEVELOPMENT REGULATIONS TO REMOVE THE NOTICE OF INTENT PROCEDURE; PROVIDING FOR APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE. (TOWN PLANNER LINDA CONNORS)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

**Commissioner Dodd made a motion to approve Resolution 2013-34. Commissioner Brown seconded the motion. The motion carried 5-0.**

- b. **Resolution 2013-35:** A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING THE DEVELOPMENT REVIEW PERMIT AND LICENSE FEE SCHEDULE; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE. (TOWN PLANNER LINDA CONNORS)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

**Commissioner Vincent made a motion to approve Resolution 2013-35. Commissioner Brown seconded the motion. The motion carried 5-0.**

- c. **Resolution 2013-36:** A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA ADOPTING THE FIRST RESTATED AND AMENDED AGREEMENT BY AND BETWEEN THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AND LAUDERDALE-BY-THE-SEA VOLUNTEER FIRE DEPARTMENT, INC. FOR FIRE PROTECTION AND FIRE PREVENTION SERVICES, PROVIDING FOR CONFLICT, PROVIDING FOR AN EFFECTIVE DATE. (TOWN MANAGER CONNIE HOFFMANN)

Mayor Minnet opened the discussion for public comment, which she closed upon receiving no input.

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**Commissioner Vincent made a motion to approve Resolution 2013-36. Commissioner Brown seconded the motion. The motion carried 5-0.**

**14. QUASI-JUDICIAL PUBLIC HEARINGS**

None

**15. COMMISSION COMMENTS**

Commissioner Vincent mentioned that the Beachside Village Resort owned by Mr. Gadsby was named by the *Wall Street Journal* and *Trip Advisor* as the nation's friendliest hotel for pets and brought positive press for the Town.

Mayor Minnet thanked Steve d'Oliveira, Public Information Officer, and John Boutin, Windjammer Resort, for arranging the Commission's snorkeling tour of the Bio Reef project and the snorkel trail the past Saturday. She thanked the divers for making it such enjoyable excursion..

Commissioner Brown attended the Florida League of Cities (FLC) Conference the previous week, where his t-shirt with the Town's new brand logo attracted many compliments and opened discussions about the Town. He met with Rita Harvey of the Florida Department of Environmental Protection (FDEP) and discussed funding opportunities for things such as: public restrooms, acquiring a building for a type of marine observatory center, upgrading the Town's municipal park, and establishing an underwater marine park. He would speak with staff and the FDEP about grant applications. Commissioner Brown attended the Transportation Strike Team's meeting at the conference and spoke about license plate reader cameras; he asked if they could lobby the Legislature to allow cities to use the FDOT traffic poles. The chairman was against it, but others in the meeting were supportive and asked him to draft a legislative proposal for presentation at the Team's next meeting in Jacksonville.

Town Manager Hoffmann said the only grant program that was currently funded was the Florida Recreation Development Assistance Program (FRDAP) and the application deadline was mid-September. It was possible for the funds to be used to put new lighting at the tennis courts, but if state monies were used to improve Town facilities, anyone from the public could use them, not just Town residents.

Mayor Minnet recalled this was a major issue in the past, as residents were vehemently opposed to opening the courts to the general public, given the limited availability of tennis courts in the Town. She was open to exploring the idea of an underwater marine park.

Commissioner Brown commented, given the short timeline, the easiest grant application would be to fix the bocce ball courts.



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Mayor Minnet agreed and said the tennis courts could be looked at later and include resident input gathered.

Vice Mayor Sasser offered condolences on the passing of Frank Herman, noting he always brought humor to difficult issues. He echoed commendations for an enjoyable snorkel tour. He also said he would miss the Fish Fry event on Thursday and encouraged everyone to attend, as it would be a good community event.

Commissioner Dodd reported on the recent Hillsboro Inlet Meeting highlights continued work on getting the flow meter; progress in obtaining permanent permits recognized by the Army Corps and the FDEP; and first of the workboats was taken out of the water for its three-year overhaul.

**16. OLD BUSINESS**

**a. Community Bus Service Extension (Assistant To The Town Manager Pat Himelberger)**

Assistant to the Town Manager Pat Himelberger advised the Commission the Town had been successful in its application to the County for extended weekend hours of operation of the Pelican Hopper. The County would contribute funding and she sought an amendment to the Fiscal Year 14 budget of \$8,900 for the Town's share of the cost.

Commissioner Brown inquired if the Town made any progress publicizing the schedule and getting a mobile application ("app"), so people waiting on the bus knew when it would come.

Ms. Himelberger stated Town staff was working on a new schedule brochure with the County, and it would be publicized after the subject item was approved. The mobile app would be funded by the County within the next two years.

Town Manager Hoffmann recalled staff's research revealed it would be quite expensive for the Town to create its own app.

Ms. Himelberger added the bus schedules posted on the Town's website were not for specific stops, and staff was trying to work through this issue with the County. She also said the Town's desire to add Pelican Hopper stop signs to the County's poles was stymied by American Disability Act (ADA) requirements for bus stops..

Mayor Minnet was in favor of the extension and amending the budget, and hoped it might be possible to advertise the bus schedule in the *Pelican* and the *Hi-Riser*.

Town Manager Hoffmann assured the service would be promoted once approved.

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Commissioner Dodd supported the Pelican Hopper, but wanted to make sure the Town was getting value for its money. He asked staff for a review six months after the service began and for updates on the level of ridership each month.

Ms. Himelberger noted in order for the Town to retain County/ federal funding, a certain level of ridership had to be maintained.

**Vice Mayor Sasser made a motion to approve item 16a. Commissioner Dodd seconded the motion. The motion carried 5-0.**

**b. Timing of consideration of Charter Amendment Ordinance (Town Attorney Susan Trevarthen)**

Town Attorney Trevarthen went over the proposed ordinance. Having the first reading in either September or October would allow adequate time to make it on the ballot at the municipal election.

Commissioner Brown said he would be out of town for the October 8, 2013, meeting.

Commissioner Dodd preferred having the first reading in September to allow more time.

Vice Mayor Sasser asked if each amendment would be a separate ordinance or were all the amendments contained in one ordinance.

Town Attorney Trevarthen replied it was drafted as one ordinance, but the Commission could make different decisions on each amendment. Anyone objecting to an amendment or provision could make a motion to separate the items and have the Commission approve those amendments to which there were no objections.

**Mayor Minnet acknowledged a Commission consensus for the ordinance to be presented for first reading at the Town Commission meeting on September 10, 2013.**

**c. Screening of Waste Receptacles (Carts) (Assistant Town Manager Bud Bentley)**

Assistant Town Manager Bentley reviewed the subject item as detailed in the backup.

He indicated ordinance language would state that the placement of carts in the front yard was a last resort.

Commissioner Dodd wondered if enough requests were made to place carts in the front yard to warrant changing the Town's code to allow such action.

Assistant Town Manager Bentley advised he spoke with less than five citizens concerned about this matter, but when the Town sent out notices about storing carts,



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some members of the community wished the Commission to review the matter and make a decision.

Commissioner Dodd preferred the original interpretation of the code. Whatever shielding was erected for the cart should satisfy the code's criteria.

Vice Mayor Sasser asked for a definition of an acceptable screen for the carts.

Assistant Town Manager Bentley read the definition contained in the backup, noting "container", as stated in the ordinance, was synonymous with "cart".

Vice Mayor Sasser remarked that even with an enclosure, it was difficult to shield multiple carts. Staff had to find a way to deal with this to allay residents' fear of being cited.

Staff received confirmation from the Commission that conditional uses should only be granted if the only alternative was to store carts in the front yard.

**There was a Commission consensus for applications to go to Planning and Zoning Board (P&Z), and dissatisfied applicants could go to the Commission and appeal. Applicants would be granted a conditional use if there was no appropriate place to store the cart(s) but the front yard.**

**d. [Tree Selection for Sidewalks on the East Commercial Streetscape Project](#)  
(Town Manager Connie Hoffmann)**

**This item was discussed after Item 8b.**

Town Manager Hoffmann commented that various landscape architects had advised her that replacing the shade trees called for on the sidewalks in the East Commercial streetscape project with palm trees created as proposed by some merchants would create a monotonous landscape. Landscape Architect Hugh Johnson, Architectural Alliance, recommended using palm trees at the two corners of Commercial Boulevard and S.R. A1A, in front of Athena's and Azteca's, rather than pigeon plum trees. Johnson had suggested alternative shade trees, the clusia or the buttonwoods, would not create a canopy over the sidewalk quickly, but they would eventually provide more shade than palm trees. The gumbo limbo was rejected as an alternative because its roots would undermine the sidewalk. The Commission needed to make a decision, so staff could order the trees.

Vice Mayor Sasser did not find palm trees monotonous and supported planting coconut palms. Sail shades could be used for additional canopy. The Town could create an ordinance or resolution to allow umbrellas for outdoor dining.

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Commissioner Vincent noted no one complained about the pigeon plums that had been in front of Scot's over the past 15 years and that clusia and buttonwoods were great alternatives.

Commissioner Brown preferred to go with staff's recommendations.

Commissioner Dodd agreed palm trees provided inadequate shade and asked if buttonwoods could be trained to achieve the desired canopy.

Town Manager Hoffmann noted the Town had to specify single-trunk buttonwood trees, as they could be pruned to create a canopy.

Mayor Minnet asked if the species of trees were available for the timeframe needed.

Mr. Johnson affirmed they were.

Town Manager Hoffmann said the pigeon plums were unavailable in the desired height.

**Commissioner Vincent made a motion to approve item 16d, substituting three (3) palms at the corners of A1A and Commercial Boulevard, and to choose between green buttonwood or clusia rosea trees, depending on availability and price. Commissioner Brown seconded the motion. The motion carried 4-1 with Vice Mayor Sasser voting no.**

**17. NEW BUSINESS**

**a. Setting a Development Fee for an Art in Public Places Program  
(Commissioner Stuart Dodd)**

Commissioner Dodd referred to the backup provided and thought such a fee could help fund the sculptures for the four plazas, and beautify the Town. He asked for a Commission consensus to direct the Town Attorney to review the examples in the backup and draft language tailored to the Town.

Commissioner Brown felt this was an excellent idea and the Town Attorney should draft the language. No art work had been considered for the East Commercial project.

Commissioner Dodd clarified the Town Commission only approved one sculpture and four bases pending future sculptures for the West, should they be approved.

Commissioner Vincent stated he was against the proposal, as the fees were set in other cities when large development created parks and public areas that warranted public art. Developers would pass the fee onto the property owners. As the cost of the five sculptures was about \$200,000, it would require \$20 million in redevelopment to generate enough fees to pay for the sculptures. He believed the Town desired no large



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scale redevelopment, preferring to beautify existing buildings. Commissioner Vincent felt the money could be raised in other ways.

Commissioner Dodd mentioned Minto's future development and the half-complete development on Sea Grape. He said the percentage could be set at any amount by the Commission. The funds raised could be applied to residential and small beautification projects, and the fee was open to the Town's interpretation.

Vice Mayor Sasser liked the idea, but felt there were many details to work out, such as how the revenue would be spent. He said with all the other projects the Town was currently involved in, he preferred the matter be set aside for discussion in June 2014.

**Mayor Minnet echoed support for the idea and acknowledged Commission consensus for discussion in June 2014.**

Town Manager Hoffmann said she would place the matter on her priorities list for 2014.

**b. Farmer's Market Agreement (Assistant To The Town Manager Pat Himelberger)**

Anne Marchetti felt community markets were good sources of economic development that drew neighbors and visitors together. She was thrilled to see the proposal to bring Community Markets of South Florida to the Town.

Ms. Himelberger reviewed the proposed market as detailed in the backup, noting it was a good opportunity for the Town to partner with an established organization.

Commissioner Brown stated he was amenable to trying the proposed event, but he expressed concerns, such as: could El Prado Park accommodate a farmer's market?; the timing of 8:00 a.m. to 2:00 p.m., as at 2:00 p.m. most people were not leaving the beach; was there sufficient parking? He was unsure if the farmer's market would be successful and preferred doing it on the west side of Town.

Ms. Himelberger replied Mr. Bentley ran numbers on parking availability in the El Prado lot, and pointed out the Town would have 85 new spaces in the Minto lot; there was discussion about having the vendors park behind Town Hall. Other considerations included using El Mar Drive for event parking if the market became very successful.

Mayor Minnet felt it was great to have an outside entity put the market together at very little cost to the Town. This was a great opportunity to bring more people to the Town, and she believed El Prado Park lent itself to this type of market.

Ms. Himelberger mentioned promoting the market in the Pelican Hopper t, as it could be used to transport residents from their neighborhood to the market.

**Vice Mayor Sasser made a motion to approve item 17b. Commissioner Vincent seconded the motion. The motion carried 5-0.**

**c. Oriana request for Modification of Noise Ordinance and Special Events permit  
(Town Planner Linda Connors)**

Town Manager Hoffmann noted representatives from the Oriana were unable to attend the meeting due to a conflict.

Mayor Minnet wished to confirm the Town's decibel limits were about 20 percent higher than many other municipalities.

Town Planner Connors affirmed they were, as shown in Town staff's research of area cities detailed in the backup. Staff would clarify if the municipalities they surveyed exempted special events or had a different noise standard for them.

Mayor Minnet commented many communities had problems with noise. However, the apartments at Oriana were purchased with the understanding that they were close to the entertainment area, with evening activities on Friday, Saturday and Sunday. She thanked the businesses for attending, as they put a lot effort, time and money to ensure events were successful. The Town could revisit the noise ordinance, but not to make adjustments to the degree the Oriana desired.

Town Planner Connors said BSO did some decibel readings for the Town in March 2013, and staff wished to do additional surveys when construction was completed.

Commissioner Dodd mentioned other factors to consider included: a noise nuisance should be confirmed by an actual reading with a noise meter. This issue was not a priority, and Town staff could continue their research.

Commissioner Vincent explained 50 to 60 decibels was quiet to normal conversation, 70 was annoying, 80 resulted in possible hearing damage, and 90 was hearing damage.

Commissioner Brown pointed out BSO's measurements rarely came in more than the high 60s or 70s, so this seemed a more logical ballpark than the existing 90 decibel level. It was not unreasonable for music to go until 10:30 p.m.

**Mayor Minnet acknowledged Commission consensus to bring the matter back at a later time, and she asked for the discussion to include the ordinance addressing music that began early in the morning and afternoon hours**

**d. Solid Waste Collection Rates for October 1, 2013 – Policy Direction (Assistant  
Town Manager Bud Bentley)**

Town Manager Hoffmann sought direction on the issues listed in the backup, stating Mr. Bentley would give a full analysis of their impact on collection rates at the next meeting.



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Commissioner Dodd spoke in favor of differential pricing for cart size. If someone opted for a larger cart, they should pay a higher rate for putting more demand on the service. Other Commissioners disagreed.

**There was a Commission consensus for establishing one rate.**

**e. Price proposal for Reef-Themed Sculptures (Town Manager Connie Hoffmann)**

Town Manager Hoffmann advised the price to do the four sculptures was \$97,000, plus \$6,000 if they were pre-anodized as the Mayor suggested, totaling \$103,200. The cost was in line with the sum previously estimated by the sculptor, Laurie Fisher Huck.

**Commissioner Dodd made a motion to approve item 17e. Commissioner Vincent seconded the motion. The motion carried 5-0.**

Town Manager Hoffmann mentioned in the five drawings, one was of a black leopard ray that was more attractive than the brown ray that was native to the Town's reef.

Vice Mayor Sasser preferred the eagle ray that was indigenous to the area.

Commissioner Brown liked the eagle ray. The turtle sculpture was the same as on the entryway sculpture, and there were three species of turtles nesting on the Town's beach. He asked if it were possible to change the reef turtle sculpture to another turtle.

Town Manager Hoffmann said that a switch was possible.

Mayor Minnet concurred with keeping all the sea life to indigenous species.

**f. Supplemental Agenda Item – Paver Selection Options for the East Commercial Sidewalks (Town Manager Connie Hoffmann)**

**This item was discussed after Item 16d.**

Town Manager Hoffmann reminded the Commission that Mr. Carty, SCEC, suggested using pavers instead of concrete to have less impact on the merchants during construction. The Commission approved the pavers only for block two. Placing pavers in block one cost close to \$27,000 more. The designers and staff suggested using 50 percent shell aggregate pavers and 50 percent plain pavers. She asked if the Town had to pay extra for the white cement pavers as opposed to gray cement.

Mr. Carty answered yes, but the shell pavers would be white, reducing the cost of the cement pavers by about \$10,000. He provided paver samples.

Commissioner Brown opted for the darker paver, as they tended to fade with time.

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Mayor Minnet preferred the darker paver for contrast.

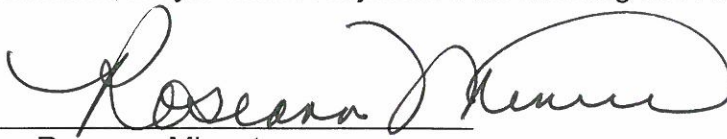
Town Manager Hoffmann questioned whether the Commission wished to incorporate the cost of using the shell aggregate pavers.

**There was a Commission consensus to use a combination of the shell aggregate pavers and the darker paver for contrast.**

Town Manager Hoffmann said Mr. Carty would order tan pavers and shell aggregate pavers, and staff would present an amendment to the contractor's contract for the cost.

**18. ADJOURNMENT**

Commissioner Dodd made a motion to adjourn. With no further business before the Commission, Mayor Minnet adjourned the meeting at 9:42 p.m.



Mayor Roseann Minnet

ATTEST:



Town Clerk Vanessa Castillo

10/8/13  
Date